



H.R. 2377, the Federal Extreme Risk Protection Order Act Fact Sheet

In the wake of a mass shooting, communities, surviving family members, and law enforcement often ask themselves a painful question: Did someone see the signs? Often, the answer is yes. An [FBI Behavioral Analysis Unit study](#) revealed that mass shooters typically display 4 to 5 observable concerning behaviors before their attack. The shooter who killed 17 people at Marjory Stoneman Douglas High School made numerous threats, was violent toward animals, brandished a gun at neighbors, and identified himself online as “a school shooter” before the attack. The mother of the shooter who killed 23 people in El Paso called police expressing concerns about his gun ownership. The shooter who killed 21 in Uvalde threatened to rape or kidnap young women in online interactions. But warning signs make no difference if communities and law enforcement don’t have the tools to act to save lives.

Extreme risk protection orders (ERPOs), or “red flag laws,” empower law enforcement, family, and household members to ensure that those who pose a threat to themselves or others do not have access to firearms. In recent years, many states have enacted extreme risk laws so that law enforcement can adequately respond to warning signs of a planned shooting or suicide. Nineteen states and the District of Columbia now have an extreme risk law, but there is no federal law in place to ensure nationwide access to this lifesaving tool.

The Federal Extreme Risk Protection Order Act was first introduced as a bipartisan bill led by Sens. Lindsey Graham (R-SC) and Richard Blumenthal (D-CT), which has since been led in the House by Rep. Lucy McBath. This package now includes the Extreme Risk Protection Order Act, led by Rep. Salud Carbajal.

H.R. 2377 would:

- **Establish nationwide access to extreme risk protection orders through federal courts**
 - Law enforcement officers, family, and household members of a person may file a petition requesting that a federal court issue an ERPO prohibiting an individual from purchasing or possessing firearms.
 - The court can issue a short-term ERPO (no more than 14 days) without a hearing, or a long-term ERPO (no more than 180 days) following a hearing in which the respondent is represented by counsel. Both ERPOs are available only when necessary to prevent a risk of injury to the individual or others.
 - Individuals subject to an order must surrender their firearms and ammunition and are prohibited from purchasing or possessing firearms until the order expires. When the order expires and the individual passes a background check, any surrendered firearms or ammunition are returned.
 - The right to lawfully possess a gun is protected through high standards of proof, an opportunity to be heard, the right to counsel, and penalties for those who file frivolous petitions
- **Improve the implementation of existing state extreme risk laws and encourage more states to adopt these laws by providing grant funding to states with laws that meet certain standards**
- **Require law enforcement to be trained in the safe, impartial, effective, and equitable use of ERPOs, including social service provider referrals, crisis intervention, and language accessibility**

Prepared by House Judiciary Committee Democratic Staff

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